

HOUSE BILL NO. 102

INTRODUCED BY LENHART

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT DEPOSITING FEES FROM THE REGISTRATION OF CERTAIN VEHICLES AND DRIVER'S LICENSES TO THE STATE GENERAL FUND; STATUTORILY APPROPRIATING FROM THE STATE GENERAL FUND ~~AND THE A STATE SPECIAL REVENUE ACCOUNT~~ TO THE MONTANA HIGHWAY PATROL OFFICERS' RETIREMENT PENSION TRUST FUND ~~DEDICATED FEES FROM THE REGISTRATION OF CERTAIN VEHICLES AND DRIVER'S LICENSES~~ THE AMOUNTS REQUIRED TO PAY CERTAIN SUPPLEMENTAL BENEFITS UNDER THE HIGHWAY PATROL OFFICERS' RETIREMENT SYSTEM; AMENDING SECTIONS 15-1-122, 17-7-502, 19-6-401, 19-6-404, 19-6-709, 61-3-527, 61-3-530, 61-3-562, AND 61-5-121, MCA; AND PROVIDING AN ~~IMMEDIATE~~ EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. SECTION 1. STATE CONTRIBUTION FOR SUPPLEMENTAL BENEFITS -- STATUTORY APPROPRIATION. THE STATE SHALL ANNUALLY CONTRIBUTE TO THE PENSION TRUST FUND THE LUMP-SUM AMOUNT DETERMINED BY THE BOARD AS REQUIRED TO PAY BENEFITS UNDER 19-6-709. THE AMOUNT MUST BE CALCULATED BASED UPON THE NUMBER OF INDIVIDUALS ELIGIBLE AS PROVIDED IN 19-6-709(1) THROUGH (3) AND BASED UPON THE AMOUNT OF BENEFIT FOR THE ELIGIBLE INDIVIDUALS AS PROVIDED IN 19-6-709(4)(A) THROUGH (4)(C). THE AMOUNT IS STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, FROM THE GENERAL FUND TO THE PENSION TRUST FUND.

SECTION 2. SECTION 15-1-122, MCA, IS AMENDED TO READ:

"15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

~~(a) \$75,000 in fiscal year 2003;~~

~~(b)~~(a) \$0 in fiscal years 2004 and 2005;

1 ~~(e)~~(b) \$3,050,205 in fiscal year 2006; and

2 ~~(d)~~(c) in each succeeding fiscal year, the amount in subsection ~~(2)~~~~(c)~~ (2)(b), increased by 1.5% in each
3 succeeding fiscal year.

4 (3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or
5 recipients indicated the following amounts:

6 (a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

7 (i) \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for
8 which a fee is paid pursuant to 61-3-203; and

9 (ii) \$1 for each passenger car or truck under 8,001 pounds GVW that is registered for licensing pursuant
10 to Title 61, chapter 3, part 3, and \$5 for each permanently registered light vehicle. Fifteen cents of each dollar
11 must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year
12 following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned
13 vehicle removal reimbursement during the calendar year following its payment must be used as provided in
14 75-10-532.

15 (b) to the noxious weed state special revenue account provided for in 80-7-816:

16 (i) \$1 in fiscal year 2006 and, in each subsequent year, \$2.75 for each off-highway vehicle for which
17 the fee in lieu of tax is paid, as provided for in 23-2-803; and

18 (ii) for vehicles registered or reregistered pursuant to 61-3-321:

19 (A) \$1.50 for each registered light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicle
20 weighing more than 1 ton, and motor home; and

21 (B) \$1.50 in fiscal year 2006 and, in each subsequent year, \$3.65 for each motorcycle and quadricycle;
22 and

23 (C) \$7.50 for each permanently registered light vehicle;

24 (c) to the department of fish, wildlife, and parks:

25 (i) \$2.50 in fiscal year 2006 and, in each subsequent year, \$14.50 for each motorboat, sailboat, or
26 personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be
27 used to acquire and maintain pumpout equipment and other boat facilities;

28 (ii) \$5 in fiscal year 2006 and, in each subsequent year, \$19 for each snowmobile registered under
29 23-2-616, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611,
30 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-626, 23-2-631 through 23-2-635, and 23-2-641 through

23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities;

(iii) \$1 for each duplicate snowmobile registration decal issued under 23-2-617;

(iv) \$5 in fiscal year 2006 and, in each subsequent year, \$13.25 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;

(v) to the state special revenue fund established in 23-1-105, \$3.50 in fiscal year 2006 and, in each subsequent year, \$8 for each recreational vehicle, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321;

(vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533; and

(vii) to the state special revenue fund established in 23-1-105, \$4 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to 61-3-321(11)(a), with \$3.50 of the money used for state parks, 25 cents used for fishing access sites, and 25 cents used for the operation of state-owned facilities at Virginia City and Nevada City;

(d) to the state veterans' cemetery account, provided for in 10-2-603, \$10 for each veteran's license plate subject to the fee in 61-3-459;

~~(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than:~~

~~—— (i) trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and~~

~~—— (ii) vehicles registered under 61-3-527, 61-3-530, and 61-3-562;~~

~~—— (f) 25 cents a year for each registered vehicle and \$1.25 for each permanently registered vehicle subject to the fee in 61-3-321(6) for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112;~~

~~(g)(f)~~ to the search and rescue account provided for in 10-3-801:

(i) \$2 a year for each vessel [subject to the search and rescue surcharge] in 23-2-517;

(ii) \$2 a year for each snowmobile [subject to the search and rescue surcharge] in 23-2-615(1)(b) and 23-2-616(3); and

(iii) \$2 a year for each off-highway vehicle [subject to the search and rescue surcharge] in 23-2-803; and
(h)(g) 50 cents a year for each vehicle subject to the fee in 61-3-321(7) for deposit in the state special revenue fund to the credit of the veterans' services account provided for in 10-2-112(1).

(4) For each fiscal year, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). The department of justice shall provide a separate count of vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may be included in vehicle counts only in the year in which the vehicle is registered or reregistered. Transfer amounts in each fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available. Vehicles that are permanently registered may be included in vehicle counts only in the year in which the vehicles are registered by new owners.

(5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."

Section 3. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-15-151; 2-17-105; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706; 15-35-108; 15-36-332; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-11-404; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-404; [SECTION 1]; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-5-306; 23-5-409; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 61-3-415; ~~61-3-527~~; ~~61-3-530~~; ~~61-3-562~~; ~~61-5-124~~; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-2-362; 80-2-222; 80-4-416; 80-5-510;

1 80-11-518; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

2 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
3 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
4 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
5 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
6 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
7 appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of
8 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360,
9 L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's
10 unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates
11 July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 2 and 5, Ch. 481, L. 2003, the inclusion
12 of 90-6-710 terminates June 30, 2005; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch.
13 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; and pursuant to sec. 135, Ch. 114, L. 2003,
14 the inclusion of 2-15-151 terminates June 30, 2005.)"

15

16 **SECTION 4. SECTION 19-6-401, MCA, IS AMENDED TO READ:**

17 **"19-6-401. Payments into pension trust fund.** There is a pension trust fund for the payment of
18 benefits under the retirement system. All appropriations made by the state, all contributions by members, in the
19 amount specified, and all interest on and ~~increase of earnings from the investments and investment of~~ money
20 under in this pension trust fund, ~~all fees or portions of fees that are required by law to be paid to the retirement~~
21 ~~system or trust fund, and a portion of the fees from driver's licenses and duplicate driver's licenses as provided~~
22 ~~in 61-5-124~~ must be deposited in the pension trust fund."

23

24 **SECTION 5. SECTION 19-6-404, MCA, IS AMENDED TO READ:**

25 **"19-6-404. State's contribution -- ~~statutory appropriations~~ APPROPRIATION.** The state of Montana
26 shall ~~annually~~ contribute to the pension trust fund an amount equal to 36.33% of the total compensation paid
27 to the members from the following sources:

28 (1) an amount equal to 26.15% of the total compensation of the members, which is payable, as
29 appropriated by the legislature, from the same source that is used to pay compensation to the members; and

30 (2) an amount equal to 10.18% of the total compensation of the members, which is ~~payable from a~~

~~portion of the fees from driver's licenses and duplicate driver's licenses as provided in 61-5-121~~ statutorily appropriated, as provided in 17-7-502, from the general fund to the pension trust fund."

Section 6. Section 19-6-709, MCA, is amended to read:

"19-6-709. (Temporary) Supplemental benefits for certain retirees. (1) In addition to any retirement benefit payable under this chapter, a retired member or a survivor determined by the board to be eligible under subsection (2) must receive an annual lump-sum benefit payment beginning in September 1991 and each succeeding year as long as the member remains eligible.

(2) To be eligible for the benefits under this section, a person must be receiving a monthly benefit before July 1, 1991, may not be covered by 19-6-710, and must be:

(a) a retired member who is 55 years of age or older and who has been receiving a service retirement benefit for at least 5 years prior to the date of distribution;

(b) a survivor of a member who would have been eligible under subsection (2)(a); or

(c) a recipient of a disability benefit under 19-6-601 or a survivorship benefit under 19-6-901.

(3) A retired member otherwise qualified under this section who is employed in a position covered by a retirement system under Title 19 is ineligible to receive any lump-sum benefit payments provided for in this section until the member's service in the covered position is terminated. Upon termination of the member's service, the retired member becomes eligible in the next fiscal year succeeding the member's termination.

(4) ~~The amount of fees transferred~~ STATUTORILY appropriated to the pension trust fund pursuant to 15-1-122(3)(e), 61-3-527(4), 61-3-530(4), and 61-3-562(1)(b) UNDER [SECTION 1] must be distributed proportionally as a lump-sum benefit payment to each eligible recipient based on service credit at the time of retirement, subject to the following:

(a) a recipient under subsection (2)(c) is considered to have 20 years of service credit for the purposes of the distributions;

(b) any recipient of a retirement benefit exceeding the maximum monthly benefit under 19-6-707(2)(a) must have the recipient's service credit reduced 25% for the purposes of the distributions;

(c) the maximum annual increase in the amount of supplemental benefits paid to each individual under this section is the percentage increase for the previous calendar year in the annual average consumer price index for urban wage earners and workers, compiled by the bureau of labor statistics of the United States department of labor or its successor agency. (Terminates upon death of last eligible recipient--sec. 1, Ch. 567,

1 L. 1991.)"

2
3 **Section 7.** Section 61-3-527, MCA, is amended to read:

4 **"61-3-527. One-time fee in lieu of tax for motorcycles and quadricycles -- permanent registration.**

5 (1) (a) There is a one-time fee in lieu of property tax of \$20 in calendar year 2004 and, in each subsequent year,
6 ~~\$40~~ \$41.25 imposed on motorcycles and quadricycles that are subject to one-time registration. The fee is in
7 addition to registration fees.

8 (b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer for motorcycles or
9 quadricycles that constitute inventory of the dealership.

10 (2) The owner of a motorcycle or quadricycle with special license plates issued under 61-3-415 shall
11 pay an annual fee based on the age of the motorcycle or quadricycle and the size of the engine, according to
12 the following schedule:

13 (a) The fee schedule for a motorcycle or quadricycle with an engine that measures from 1 cubic
14 centimeter to 600 cubic centimeters is as follows:

- 15 (i) less than 5 years old, \$30;
16 (ii) 5 years old but less than 11 years old, \$15; and
17 (iii) 11 years old and older, \$6.

18 (b) The fee schedule for a motorcycle or quadricycle with an engine that measures from 601 cubic
19 centimeters to 1,000 cubic centimeters is as follows:

- 20 (i) less than 5 years old, \$55;
21 (ii) 5 years old but less than 11 years old, \$20; and
22 (iii) 11 years old and older, \$6.

23 (c) The fee schedule for a motorcycle or quadricycle with an engine that measures 1,001 cubic
24 centimeters and larger is as follows:

- 25 (i) less than 5 years old, \$90;
26 (ii) 5 years old but less than 11 years old, \$50; and
27 (iii) 11 years old and older, \$6.

28 (3) (a) Except as provided in subsection (3)(b), the age of a motorcycle or quadricycle is determined
29 by subtracting the manufacturer's designated model year from the current calendar year.

30 (b) If the purchase year of a motorcycle or quadricycle precedes the designated model year of the

motorcycle or quadricycle and the motorcycle or quadricycle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

~~(4) A person who registers a motorcycle or quadricycle as provided in this section shall pay an additional one-time fee of \$1.25 at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the \$1.25 fee collected under this subsection from each vehicle registration to the Montana highway patrol officers' retirement pension trust fund for payment of supplemental benefits provided for in 19-6-709. The payment from the general fund to the Montana highway patrol officers' retirement pension trust fund is statutorily appropriated as provided in 17-7-502.~~

~~(5)(4)~~ Whenever a transfer of ownership of a motorcycle or quadricycle occurs, the one-time fees required under this section must be paid by the new owner. ~~(Subsection (4) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)~~

Section 8. Section 61-3-530, MCA, is amended to read:

"61-3-530. Fee for trailers -- exception. (1) Except as provided in subsections (2) and (3), the owner of a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds shall pay the fee imposed pursuant to 61-3-521. The fee is a one-time fee and is:

(a) for a trailer, pole trailer, or semitrailer with a declared weight under 6,000 pounds, \$25 in calendar year 2004 and, in each subsequent year, ~~\$50~~ \$51.25; and

(b) for a trailer, pole trailer, or semitrailer with a declared weight of 6,000 pounds or more, \$65 in calendar year 2004 and, in each subsequent year, ~~\$130~~ \$131.25.

(2) This section does not apply to a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds and that:

(a) is registered through a proportional registration agreement under 61-3-721; or

(b) constitutes inventory of a trailer, pole trailer, or semitrailer dealership.

(3) Whenever a transfer of ownership of a trailer, pole trailer, or semitrailer described in subsection (1) occurs, the one-time fee required under subsection (1) must be paid by the new owner.

~~(4) A person who permanently registers a trailer, pole trailer, or semitrailer as provided in this section shall pay an additional one-time fee of \$1.25 at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the \$1.25 fee collected under this section from each vehicle registration to the Montana highway patrol officers' retirement pension trust fund for payment of~~

~~supplemental benefits provided for in 19-6-709. The payment from the general fund to the Montana highway patrol officers' retirement pension trust fund is statutorily appropriated as provided in 17-7-502."~~

Section 9. Section 61-3-562, MCA, is amended to read:

"61-3-562. Permanent registration -- transfer of vehicle ownership -- rules. (1) (a) Except as provided in subsection ~~(4)(c)~~ (1)(B), the owner of a light vehicle 11 years old or older subject to the registration fee, as provided in 61-3-561, may permanently register the vehicle upon payment of a ~~\$50~~ \$52 registration fee, the applicable registration and license fees under 61-3-321 and 61-3-412, and an amount equal to five times the applicable fees imposed for each of the following:

- (i) junk vehicle disposal fees under 15-1-122(3)(a);
- (ii) weed control fees under 15-1-122(3)(b);
- (iii) the former county motor vehicle computer fees under 61-3-511;
- (iv) the local option vehicle tax or flat fee on vehicles under 61-3-537;
- (v) if applicable, special license plate fees under 61-3-332 and renewal fees for personalized plates under 61-3-406; and
- (vi) senior citizens and persons with disabilities transportation services fees as provided in 61-3-321(6).

~~(b) A person who permanently registers a vehicle, as provided in subsection (1)(a), shall pay an additional \$2 fee at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the \$2 fee collected under this subsection (1)(b) from each motor vehicle registration to the Montana highway patrol officers' retirement pension trust fund for payment of supplemental benefits provided for in 19-6-709. The payment from the general fund to the Montana highway patrol officers' retirement pension trust fund is statutorily appropriated as provided in 17-7-502.~~

(c)(B) The following series of license plates may not be used for purposes of permanent registration of a vehicle:

- (i) Montana national guard license plates issued under 61-3-458(2)(b);
- (ii) reserve armed forces license plates issued under 61-3-458(2)(c);
- (iii) license plates bearing a wheelchair design as a symbol of a person with a disability issued under 61-3-332(11);
- (iv) amateur radio operator license plates issued under 61-3-422;
- (v) collegiate license plates issued under 61-3-465; and

(vi) generic specialty license plates issued under 61-3-479.

(2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under 61-10-201.

(3) The owner of a vehicle that is permanently registered under this section is not subject to additional fees under 61-3-561 or to other motor vehicle registration fees described in this section for as long as the owner owns the vehicle.

(4) The county treasurer shall:

(a) distribute the ~~\$50~~ \$52 registration fee collected under this section as provided in 61-3-509;

(b) once each month, remit to the department of revenue the amounts collected under this section, other than the local option vehicle tax or flat fee, for the purposes of 61-3-321(3) and 61-10-201. The county treasurer shall retain the local option vehicle tax or flat fee.

(5) (a) The permanent registration of a vehicle allowed by this section may not be transferred to a new owner. If the vehicle is transferred to a new owner, the department shall cancel the vehicle's permanent registration.

(b) Upon transfer of a vehicle registered under this section to a new owner, the new owner shall apply for a certificate of title under 61-3-201 and file an application for registration under 61-3-303. ~~(Subsection (1)(b) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)"~~

Section 10. Section 61-5-121, MCA, is amended to read:

"61-5-121. Disposition of fees. (1) The disposition of the fees from driver's licenses, motorcycle endorsements, commercial driver's licenses, and duplicate driver's licenses provided for in 61-5-114 is as follows:

~~(a) The amount of 22.3% of each driver's license fee and 25% of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. The department shall report the amount deposited and transferred under this subsection (1)(a) to the legislative finance committee by October 31 of the year preceding each regular session of the legislature. The money deposited in the account under this subsection (1)(a) is statutorily appropriated, as provided in 17-7-502, to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404.~~

~~(b)(A)~~ (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 2.5% of each driver's license fee and 3.75% of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection ~~(1)(b)(i)~~ (1)(A)(i) must be deposited into the state general fund.

~~(c)(B)~~ (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 3.34% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection ~~(1)(c)(i)~~ (1)(B)(i) must be deposited into the state general fund.

~~(d)(C)~~ The amount of 20.7% of each driver's license fee and 8.75% of each duplicate driver's license fee must be deposited into the state traffic education account.

~~(e)(D)~~ In addition to the amounts deposited pursuant to subsections ~~(1)(b)(ii)~~ (1)(A)(ii) and ~~(1)(c)(ii)~~ (1)(B)(ii), the amount of ~~54.5%~~ 76.8% of each driver's license fee and ~~62.5%~~ 87.5% of each duplicate driver's license fee must be deposited into the state general fund.

~~(f)(E)~~ If the fee is collected by the county treasurer or other agent of the department, the amount of 2.5% of each commercial driver's license fee must be deposited into the county general fund, otherwise all of the fee must be deposited into the state general fund.

~~(g)(F)~~ The amount of 63.46% of each motorcycle endorsement fee must be deposited into the state motorcycle safety account in the state special revenue fund, and the amount of 33.2% of each motorcycle endorsement fee must be deposited into the state general fund.

(2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county treasurer or agent shall deposit the amounts provided for in subsections ~~(1)(b)(i)~~ (1)(A)(i) and ~~(1)(c)(i)~~ (1)(B)(i) into the county general fund. The county treasurer or agent shall then remit to the department of revenue all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the ~~account in the state special revenue fund, as provided in subsection (1)(a)~~ STATE TRAFFIC EDUCATION ACCOUNT ESTABLISHED IN 20-7-504, THE STATE MOTORCYCLE SAFETY ACCOUNT ESTABLISHED IN 20-25-1002, and the state general fund. The department of revenue, upon receipt of the fees and statement, shall deposit the fees as provided in subsections ~~(1)(a) and (1)(d) through (1)(g)~~ (1)(C) THROUGH (1)(F).

(b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate

1 driver's licenses are collected by the department, it shall remit all fees to the department of revenue, together
2 with a statement indicating what portion of each fee is to be deposited into the ~~account in the state special~~
3 ~~revenue fund as provided in subsection (1)(a)~~ STATE TRAFFIC EDUCATION ACCOUNT ESTABLISHED IN 20-7-504, THE
4 STATE MOTORCYCLE SAFETY ACCOUNT ESTABLISHED IN 20-25-1002, the state special revenue fund, and the state
5 general fund. The department of revenue, upon receipt of the fees and statement, shall deposit the fees as
6 provided in subsections ~~(1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g)~~ (1)(A)(II), (1)(B)(II), AND (1)(C) THROUGH
7 (1)(F)."

8
9 NEW SECTION. SECTION 11. TRANSFER OF FUNDS. ON [THE EFFECTIVE DATE OF THIS ACT], THE BALANCE
10 OF MONEY REMAINING IN THE STATE SPECIAL REVENUE ACCOUNT FOR THE HIGHWAY PATROL OFFICERS' RETIREMENT
11 PENSION TRUST FUND THAT WAS CONTAINED IN 61-5-121 MUST BE TRANSFERRED TO THE STATE GENERAL FUND.

12
13 NEW SECTION. SECTION 12. CODIFICATION INSTRUCTION. [SECTION 1] IS INTENDED TO BE CODIFIED AS AN
14 INTEGRAL PART OF TITLE 19, CHAPTER 6, PART 4, AND THE PROVISIONS OF TITLE 19, CHAPTER 6, PART 4, APPLY TO
15 [SECTION 1].

16
17 NEW SECTION. SECTION 13. Effective date. [This act] is effective ~~on passage and approval~~ JULY 1,
18 2005.

19
20 NEW SECTION. SECTION 14. Termination. The amendments to 19-6-709, ~~61-3-527, 61-3-530, and~~
21 ~~61-3-562 and the insertion of references to 61-3-527, 61-3-530, and 61-3-562 in 17-7-502~~ AND [SECTION 1]
22 terminate upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided
23 by 19-6-709.

24 - END -